(44)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 3858/2007

PETITIONER Rajesh, aged 40 years, son of late Shri Ram Chandra Prasad, Transmission Executive (Farm & Home), resident of Q.No.C-5, All India Radio, Nutan Colony, Sarkanda, Bilaspur, Tehsil and District Bilaspur (C.G.)

Versus

RESPONDENTS

1. Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi.
2. Deputy Director General, Central Region 2, All India Radio, Bhopal (M.P.)
3. Assistant Station Director, Prasar Bharti (Broadcasting Corporation of India), All India Radio, Bilaspur (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Somnath Verma, Counsel for the petitioner.

ORAL ORDER
(23.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Transmission Executive, has been transferred from All India Radio, Bilaspur to All India Radio, Chhatarpur by order dated 19.01.2007 in the same capacity.

Learned counsel for the petitioner submits that in fact, the order has been effected on account of certain complaint made against the petitioner. He refers to Annexure P/4, which according to learned counsel for the petitioner, is a copy of note sheet of the office. It has been mentioned in the aforesaid note sheet that there has been continuous verbal complaints from the

Programme Head and other Programme Executives about the uncooperative attitude and rude behaviour of the petitioner. It has further been mentioned that in the interest of ensuring peace and also for smooth functioning of the Station, it is proposed to transfer the petitioner to some other Station atleast for sometime and accordingly, it is proposed to transfer him to All India Radio, Chhattarpur. Learned counsel draws the attention of this Court towards Annexure P/5, which is an unanimous application containing the signatures of many persons making some complaint against the petitioner. He submits that on account of this only, the petitioner has been transferred from Bilaspur to Chhatarpur. He further submits that transfer on account of complaint is not in accordance with law and the same should be interfered by this Court.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner was posted at Bilaspur, he submits that he was posted at Bilaspur since last 9 years, which is also mentioned in the note sheet i.e. Annexure P/4.

I have heard learned counsel for the petitioner and have also perused the record filed along with the petition.

In fact, these are not the grounds for interfering with the order of transfer by a Court of law. Only on account of certain complaint made against the petitioner, it cannot be said that the order passed by the concerned authority against the petitioner is vitiated by malafides.

Transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or extraneous considerations or that the order has been passed against any statutory Rules or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on this ground. The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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